

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 20, 2009**

DIVISION ONE

[illegible]

The judgment is modified to reverse the kidnapping to commit robbery conviction in count 2, to reverse the attempted robbery conviction in count 6, to reverse the duplicative conviction in count 1 for assault with a semiautomatic firearm, to vacate the sentences imposed for those three counts, and to stay punishment imposed on the attempted robbery conviction in count 7. As so modified, the judgment is affirmed. The court is directed to prepare a new abstract of judgment reflecting these changes and to forward it to the Department of Corrections and Rehabilitation.

Rothschild, J.

We concur:   Mallano, P.J.  
                  Miller, J. (Assigned)

B207313      Housing Authnority of the City of Los Angeles (Not for Publication)  
v.  
KPMG, LLP

The judgment is affirmed. KPMG shall recover its costs of appeal.

Miller, J. (Assigned)

We concur:   Rothschild, Acting P.J.  
                  Chaney, J.

DIVISION TWO

B207422     Gilfenbain  
              v.  
              Hom

Filed order denying petition for rehearing.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Zaida G. Heraldez, Deputy Clerk.

B212759     Tekelec  
              v.  
              Frederick Lax

Merits:

Argued by John W. Amberg for appellant and by Sheldon H. Lytton for respondent. Cause submitted.

B211129     Law Offices of David s. Karton, a Law Corp.  
              v.  
              Giesepe Segreto

Merits:

Argued by David Karton for appellant and by Robert Kohn for respondent. Cause submitted.

B209859     Jeffrey Siegel  
              v.  
              Linda Owens Ross

Merits:

Argued by Daniel David Rodarte for appellant and by Mary Velarde for appellant. Cause submitted.

DIVISION THREE (continued)

B209607     Alicia Wolin  
              v.  
              Los Angeles Police Department

Merits:  
Argued by John d. Weiss for appellant and by Gerald Sato, Deputy City  
Attorney for respondent. Cause submitted.

B213637     Las Lomas Land Company  
              v.  
              City of Los Angeles

Merits:  
Argued by Steven Weston for appellant and by Amrit Satish Kulkarni for  
respondent. Cause submitted.

B201171     Steve Mueller  
              v.  
              County of Los Angeles

Merits:  
Argued by George Romain for appellant and by Julia Fleming for  
respondent. Cause submitted.

Court adjourned.

B204844     County of Los Angeles     (Not for Publication)  
              v.  
              American Contractors Indemnity Company

The appeal from summary judgment is dismissed. The order denying  
appellant's motion to vacate is affirmed. Costs on appeal to the County.

Croskey, J.

We concur: Klein, P.J.  
              Aldrich, J.

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

[illegible]

The order is affirmed. Respondent shall recover costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

July 20, 2009 (Continued)

## DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B207602      People      (Not for Publication)  
v.  
Thomas

The judgment is modified to impose a full middle term of three years on the dissuading count (count 11), with the sentence running consecutively to the other determinate terms imposed. As so modified, the judgment is affirmed. The clerk of the trial court will prepare and forward to the Department of Corrections an amended abstract of judgment incorporating the modification.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

## DIVISION SEVEN

B211742      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
L.E.

The order is affirmed.

Woods, Acting P.J.

We concur:   Zelon, J.  
                      Jackson, J.

## DIVISION SEVEN (continued)

B211907      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
M.R., et al.

The portion of the disposition order denying reunification services to mother is reversed. The matter is remanded to the juvenile court to conduct a new hearing to determine the appropriate reunification services to be provided to mother. In all other respects, the order is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Jackson, J.

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Jackson, J.

B207680 Richard Sol et al. (Not for Publication)  
v.  
Maison de Ville Condominium Association et al.

The order is affirmed. MDV and Bredefeld to recover costs on appeal.

Woods, Acting P.J.

We concur:   Zelon, J.  
                      Jackson, J.

DIVISION SEVEN (continued)

B212302      Wells Fargo Bank N.A.      (Not for Publication)  
                 v.  
                 Gerry Burk

The order is affirmed.

Woods, J.

We concur:    Perluss, P.J.  
                 Jackson, J.

B208224      People                                      (Not for Publication)  
                 v.  
                 Williams

The judgment is modified to strike the 10-year enhancement imposed on count 1 pursuant to section 186.22, subdivision (b)(1), and to reflect instead imposition of a 15-year minimum parole eligibility date pursuant to section 186.22, subdivision (b)(5). As modified, the judgment is affirmed. The abstract of judgment is ordered corrected to reflect on count 1 the imposition of an indeterminate life term with a minimum eligible parole date of 15 years pursuant to section 186.22, subdivision (b)(5), plus a consecutive term enhancement of 25 years to life pursuant to section 12022.53, subdivision (d). The superior court is directed to prepare a corrected abstract of judgment and to forward it to the Department of Corrections and Rehabilitation.

Perluss, P.J.

We concur:    Zelon, J.  
                 Jackson, J.

DIVISION SEVEN (continued)

B208733      Pagarigan et al.,                      (Not for Publication)  
                 v.  
                 Libby Care Center, Inc., et al.

The judgment is affirmed. Libby Care Center, Inc. and Longwood Management Corporation are to recover their costs on appeal.

Perluss, P.J.

We concur:   Woods, J.  
                 Zelon, J.

B211458      People                                      (Not for Publication)  
                 v.  
                 Sawyer

The judgment is affirmed.

Perluss, P.J.

We concur:   Woods, J.  
                 Zelon, J.

B214878      Louis W.,                                      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Los Angeles County Department of Children and Family Services, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Zelon, J.

We concur:   Woods, Acting P.J.  
                 Jackson, J.



## DIVISION SEVEN (continued)

B205246      Golden West Health Plan, Inc.,      (Not for Publication)  
v.  
Franchise Tax Board

For the reasons set forth above, the judgment of the trial court is reversed and the trial court is directed to enter judgment for appellant in this matter. Each side is to bear its own costs on appeal.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.

B206259      Eduvigis Diaz      (Certified for Publication)  
v.  
Los Angeles County Metropolitan Transportation Authority et al.

The judgment is reversed, and the matter is remanded for further proceedings not inconsistent with this opinion. Diaz is to recover her costs on appeal.

Perluss, P.J.

We concur:   Zelon, J.  
                      Jackson, J.

B206600 People (Not for Publication)  
v.  
Grey

The judgment is affirmed.

Perluss, P.J.

We concur:    Woods, J.  
                         Jackson, J.

DIVISION EIGHT

B213937      In re J.R., a Minor  
Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
R.R.

The order terminating parental rights is reversed, and the case is remanded to the juvenile court with directions to order the Department to comply with the notice provisions of the ICWA, and to file all required documentation with the juvenile court for the court's inspection. If, after proper notice to the Yaqui tribe, the tribe claims J.R. is an Indian child, the juvenile court shall proceed in conformity with all provisions of the ICWA. If, on the other hand, the Yaqui tribe does not claim that J.R. is an Indian child, the judgment terminating parental rights shall be reinstated.

Bendix, J. (Assigned)

We concur:    Flier, Acting P.J.  
Bigelow, J.

B206585      People      (Not for Publication)  
v.  
Davila

The judgment is modified by awarding 468 days of presentence custody credit, instead of 467. As modified, the judgment is affirmed. The superior court shall prepare and transmit to the Department of Corrections and Rehabilitation an amended abstract of judgment, reflecting the modification.

Bendix, J. (Assigned)

We concur:    Flier, Acting P.J.  
Bigelow, J.

July 20, 2009 (Continued)

DIVISION EIGHT (continued)

B201341      Steven M. Kramer & Associates, LTD et al.,      (Not for Publication)  
                 v.  
                 Nance

The order is affirmed. Plaintiffs' request for sanctions is denied. Costs on appeal are awarded to plaintiffs.

Bendix, J. (Assigned)

We concur: Rubin, Acting P.J.  
                 Flier, J.